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BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Annual Reports for the Year Ended December 31, 2003, Filed by
Interexchange Carriers and Other Selected Entities on a Confidential Basis

INFORMATION REGARDING CONFIDENTIAL FILINGS

Introduction

This information is being provided to assist interexchange carriers (IXCs) and other selected entities who wish to request confidential handling of portions of their Interexchange Carriers and Other Selected Alternative Telecommunications Utility-Other Telecommunications Provider Entities (ARW) annual reports. The statutory filing date for the ARW annual report covering 2003 calendar year operations is April 1, 2004; six IXCs and other selected entities are required to file this report for the 2003 calendar year. The Commission has the authority to compel the filing of this annual report pursuant to Wis. Stat. § 196.499 or other applicable provisions of Wis. Stat. ch. 196.

Filing Process

The 2003 ARW annual report is contained in the 2003 Web Annual Report Program for ARW, CMR, CTV, and RES Providers. With the exception of the primary utility contact (located at the utility address) and the regulatory inquiries and complaints contact, the 2003 ARW annual report¹ essentially requires information identical to that requested in the 2002 ARW annual report. For the 2003 ARW annual report program, which was released on

¹ The 2003 ARW annual report also requires IXCs and selected entities to report all dollar amounts to the nearest thousand dollars. (Example: \$130,000 should be reported as \$130.)

Information Regarding 2003 ARW Annual Report Confidential Filings

February 9, 2004, the Commission has continued a paperless filing process and has discontinued the requirement to download a program to the annual report user's computer. Each IXC and selected entity required to file the 2003 ARW annual report was sent a letter dated February 9, 2004, containing a password to be used to access the ARW annual report program for completion and filing of the 2003 and subsequent years' ARW annual reports. The 2003 ARW program does not contain capability allowing users to file any portion of the report on a confidential basis. Unless an IXC or selected entity desires additional provisional confidential treatment of any portion of the 2003 ARW annual report, all 2003 ARW annual report filings must be accomplished via the ARW Web-based application.²

Filing of the 2003 ARW annual report using the Web-based application will result in the entire report being available on a public basis. Any IXC or selected entity wishing to file a portion of its 2003 ARW annual report on a confidential basis should contact Commission staff concerning the particular procedures which must be followed for a manual annual report filing. IXCs or selected entities wishing confidential handling must submit a request, in accordance with Wis. Admin. Code § PSC 2.12, with their manual filing. Subsequent to such manual filing, the Commission will issue a confidentiality determination in accordance with the rule. If the Commission denies a request for confidential handling, the information will be handled confidentially until 14 days after the determination, after which it will be posted on the Commission's website along with the remainder of the annual report.

² Commission Web page instructions direct that if a user desires additional provisional confidential treatment above that provided in the ARW annual report form, the user should not electronically file the annual report. Instead, the user should contact Commission staff concerning required manual filing procedures.

Information Regarding 2003 ARW Annual Report Confidential Filings

Previous Confidentiality Rulings

Two entities, AT&T Communications of Wisconsin I, LP and MCI WorldCom Network Services, Inc., requested confidential treatment and trade secret status for the Calculation of Assessable Revenues for Remainder and Telephone Relay Assessment Purposes and Wisconsin Gross Intrastate Operating Telecommunications Service Revenue³ information on lines 1-5 and 6, respectively, on page 6 of their respective 2002 ARW annual reports. For the reasons stated in a Confidentiality Determination dated July 8, 2003, confidential treatment and trade secret status for the above specifically identified data was granted on a provisional basis, without consideration of the merits of the arguments of any company contained in respective affidavits accompanying the 2002 ARW annual reports, based on the then-pending status of related court cases.

In a Confidentiality Determination dated April 21, 2004, the Commission granted both confidential treatment and trade secret status to selected portions of both companies' 2002 ARW annual report filings.

In 2002, nine court cases were filed concerning previous manually-filed annual reports. The nine cases were subsequently consolidated into two cases. One court case resulted in a decision favorable to the Commission's determinations; the other court case resulted in an adverse decision. In a Confidentiality Determination dated May 11, 2004, the Commission granted confidential treatment and, where claimed, trade secret status to selected portions of 2001 manually-filed annual reports.

IXCs and other entities requesting confidential handling of portions of their 2003 ARW

³ This data is used to determine assessable revenues for intrastate universal service fund (USF) assessment purposes.

Information Regarding 2003 ARW Annual Report Confidential Filings

annual reports should be aware that, under Wis. Admin. Code § PSC 2.12, they have the burden of establishing a reasonable basis to believe that the information is exempt from disclosure under one of the grounds listed in Wis. Admin. Code § PSC 2.12(3)(a).

Dated at Madison, Wisconsin, September 23, 2004

For the Commission:

/s/ *Gary A. Evenson*

Gary A. Evenson
Administrator
Telecommunications Division

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